



7-6-04

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PATENT

Docket No. FLO5360.01A1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KEREN, Gad, et al.  
Serial No.: 10/613,654  
Filed: July 03, 2003  
For: APPARATUS AND METHOD FOR TREATING CONGESTIVE HEART DISEASE  
Group: 1614  
Examiner:

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22213-1450**

**INFORMATION DISCLOSURE STATEMENT**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1.  Preliminary Statements
2.  FORM PTO/SB/08A-PTO/SB/8B
3.  Statement As To Information Material To Examination Not Found In Patents Or Publications
4.  Identification Of Prior Application In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted
5.  Cumulative Patents or Publications
6.  Copies of Listed Information Items Accompanying This Statement
7.  Concise Explanation of Non-English Language Listed Information Items
8.  Translation(s) of Non-English Language Documents
9.  Identification of Person(s) Making This Information Disclosure Statement

## **Section 1.      Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2.      Form PTO/SB/08A-PTO/SB/08B (substitute for Form 1449)**

**FORM PTO/SB/08A-PTO/SB/08B IS BEING SUBMITTED HEREWITH IN   13   PAGE(S).**

**Section 3. Statement As To Information Material To Examination Not Found In Patents Or Publications (Information not listed in PTO SB/08A-PTO SB/08B)**

**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted**

Note: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

WARNING: While a copy of a non-English language item of information need not be submitted if its was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information **would not** be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

**THIS APPLICATION RELIES, UNDER 35 U.S.C. § 120, ON THE EARLIER FILING DATE OF PRIOR APPLICATION                          FILED ON                         . THE REFERENCES SHOWN IN THE FORM PTO/SB/08A-PTO/SB/08B WERE SUBMITTED TO AND/OR CITED BY THE OFFICE IN THIS PRIOR APPLICATION AND, THEREFORE, ARE NOT REQUIRED TO BE PROVIDED IN THIS APPLICATION.**

**Section 5. Cumulative Patents or Publications**

**NOTE:** "When the disclosure of two or more patents or publications listed in an information disclosure statement are substantially cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications provided that a statement is made that these other patents or publications are cumulative." 37 CFR 1.98(c).

**STATEMENT**

\_\_\_\_\_ is cumulative of the following patents or publications listed on Form PTO  
SB/08A:

In accordance with 37 CFR 1.98(c) a copy of only \_\_\_\_\_ is being submitted with this  
information disclosure statement.

**Section 6. Copies of Listed Information Items Accompanying This Statement**

Legible copies of **all** items listed accompany this information disclosure statement are enclosed, except for U.S. patents and published applications, and except as indicated below:

X **Exception(s) to above**

X **US Patents and US Patent Publications are not submitted.**

       Cumulative patents or publications identified in Section 5.

**It is respectfully stipulated, however, that none of these references teach or render obvious, singly or when considered in combination, applicant's claimed invention. This citation does not constitute an admission that the references are relevant or material to the claims nor that a search has been made; the references are cited only as constituting the closest art of which the applicant is aware.**

## **Section 7. Concise Explanation of Non-English Language Listed Information Items**

- NOTE: "A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the information of each patent, publication, or other information listed that is not in the English language **shall** be included in any information disclosure statement filed under § 1.97. "The concise explanation may be either separate from the specification or incorporated therein." 37 CFR 1.98(a)(3).
- NOTE: "[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.
- NOTE: "Where the information listed is not in the English language, but was cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report." Notice of January 9, 1992, 1136 O.G. 13-25, at 14.
- NOTE: "The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office." Notice of January 9, 1992, 1136 O.G. 13-25, at 20.
- WARNING: "The requirement in §1.98(a)(3) for a concise explanation of non-English information **would not be satisfied** by a statement that a reference was cited in the prosecution of a parent application." Notice of January 9, 1992, 1136 O.G. 13-25, at 20 (emphasis added).

PATENT NUMBER DE 43 24 637 A1 DISCLOSES A METHOD AND APPARATUS FOR ORGAN TRANSPLANTATION.

PATENT NUMBER EP 0 654 283 A1 DISCLOSES AN INTRA-AORTIC CATHETER FOR RENAL PERfusion.

## **Section 8. Translation(s) of Non-English Language Documents**

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation shall accompany the statement." 37 CFR 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not English and the Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English-language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements of a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

X No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

— The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

— Submitted herewith is an English language translation of the following foreign patents, publications or information or of those portions of those patents, publications or information considered to be material:

**Section 9.      Signature of Attorney**

Dated:

7/1/09

Reg. No.:

33,201

Tel. No.:

(916) 498-1010

  
SIGNATURE OF ATTORNEY

John P. O'Banion  
O'BANION & RITCHIEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814



**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
**FLO5360.1A1**

In Re Application Of: **KEREN, Gad, et al.**

Serial No. <b>10/613,654</b>	Filing Date <b>July 03, 2003</b>	Examiner	Group Art Unit <b>1614</b>
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Title: **APPARATUS AND METHOD FOR TREATING CONGESTIVE HEART DISEASE**

Address to:  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

- the statement specified in 37 CFR 1.97(e);

**OR**

- the fee set forth in 37 CFR 1.17(p).



TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
FLO5360.1A1

In Re Application: KEREN, Gad, et al.

Serial No.	Filing Date	Examiner	Group Art Unit
10/613,654	July 03, 2003		1614

APPARATUS AND METHOD FOR TREATING CONGESTIVE HEART DISEASE

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 07-1137 as described below.
- Charge the amount of \_\_\_\_\_
- Credit any overpayment.
- Charge any additional fee required.

Certificate of Transmission by Facsimile\*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

\_\_\_\_\_  
(Date)

Signature

Typed or Printed Name of Person Signing Certificate

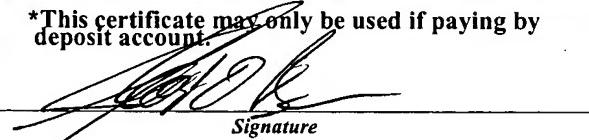
Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

  
Signature

Dated: 7/1/04

John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010

CC:



## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the foregoing:

### Information Disclosure Statement

is being deposited with the United States Postal Service on 7/1/04 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352302469US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION  
(Type or print name of person mailing paper)

John P. O'Banion  
(Signature of person mailing paper)



## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the foregoing:

Transmittal of Information Disclosure Statement Under 37CFR 1.97(b) or  
1.97(c)

is being deposited with the United States Postal Service on 7/1/09 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352302469US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION  
(Type or print name of person mailing paper)

~~(Signature of person mailing paper)~~



## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the foregoing:

Form 1449

is being deposited with the United States Postal Service on 7/1/09 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352302469US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION  
(Type or print name of person mailing paper)

  
(Signature of person mailing paper)



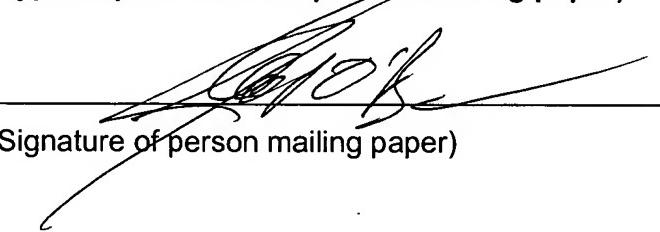
## CERTIFICATION UNDER 37 CFR 1.10

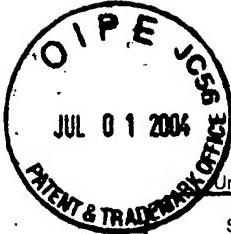
I hereby certify that the foregoing:

### Cited References (190)

is being deposited with the United States Postal Service on 7/10/04 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352302469US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION  
(Type or print name of person mailing paper)

  
(Signature of person mailing paper)



JUL 01 2006

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

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of

13

**Complete if Known**

Application Number	10/613,654
Filing Date	07/03/03
First Named Inventor	KEREN, ET AL.
Art Unit	
Examiner Name	

Attorney Docket Number FLO5360.01A1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2,499,045	02/01/1950	F,R, WALKER ET AL,	
		US- 3,455,298	07/1969	Anstadt	
		US- 3,516,408	06/01/1970	V. L. Montanti	
		US- 3,667,069	06/01/1972	Blackshear et al.	
		US- 3,730,186	05/1973	Edmunds, Jr. et al.	
		US- 3,791,374	02/01/1974	Guarino	
		US- 3,995,623	12/01/1976	BLAKE ET AL,	
		US- 4,309,994	01/01/1982	Grunwald	
		US- 4,345,602	08/01/1982	Yoshimura et al.	
		US- 4,407,271	10/01/1983	Schiff	
		US- 4,423,725	01/01/1984	Baran et al.	
		US- 4,459,977	07/01/1984	PIZON ET AL,	
		US- 4,490,374	12/01/1984	BANDURCO ET AL,	
		US- 4,493,697	01/01/1985	KRAUSE ET AL,	
		US- 4,536,893	08/1985	Parravicini	
		US- 4,546,759	10/1985	Solar	
		US- 4,554,284	11/01/1985	STRINGER ET AL,	
		US- 4,685,446	08/1987	Choy	
		US- 4,705,502	11/01/1987	PATEL	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		DE 43 24 637 A1	03/09/1995	Schreiber		
		EP 0 654 283 A1	05/24/1995	Anaya F. de Lomana		
		WO 98/03213	01/29/1998	Stevens, et al.		
		WO 98/17347	04/30/1998	Tsitlik, et al.		
		WO 98/52639	11/26/1998	Hinchliffe		
		EP 0 884 064 A2	12/16/1998	Forman, et al.		

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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**Complete if Known**

Application Number	10/613,654
Filing Date	07/03/03
First Named Inventor	KEREN, ET AL.
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Attorney Docket Number FLO5360.01A1

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,705,507	11/01/1987	BOYLES	
		US- 4,712,551	12/01/1987	Rayhanabad	
		US- 4,714,460	12/01/1987	CALDERON	
		US- 4,723,939	02/01/1988	ANAISE	
		US- 4,753,221	06/01/1988	KENSEY ET AL.	
		US- 4,781,716	11/1988	Richelsoph	
		US- 4,817,586	04/1989	Wampler	
		US- 4,834,707	05/1989	Evans	
		US- 4,846,831	07/1989	Skillin	
		US- 4,861,330	08/1989	Voss	
		US- 4,863,461	09/1989	Jarvik	
		US- 4,888,011	12/1989	Kung et al.	
		US- 4,902,272	02/1990	Milder et al.	
		US- 4,902,291	02/1990	Kolff	
		US- 4,906,229	03/1990	Wampler	
		US- 4,909,252	03/01/1990	Goldberger	606/194
		US- 4,911,163	03/01/1990	FINA	
		US- 4,919,647	04/01/1990	Nash	600/16
		US- 4,925,377	05/1990	Inacio et al.	

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 99/22784	05/14/1999	Howansky, et al.		
		WO 99/33407	07/08/1999	Sterman		
		WO 99/51286	10/14/1999	Talpade		
		WO 00/41612	07/20/2000	Keren, et al.		
		WO 01/083016	04/27/2001	Keren, et al.		
		WO 01/41861 A1	06/2001	Levin, et al.		

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,925,443	05/1990	Heilman et al.	
		US- 4,927,407	05/01/1990	DORMAN	
		US- 4,927,412	05/01/1990	MENASCHE	
		US- 4,938,766	07/01/1990	Jarvik, Robert K.	
		US- 4,950,226	08/01/1990	BARRON	
		US- 4,957,477	09/01/1990	Lundback	
		US- 4,964,864	10/01/1990	Summers et al.	
		US- 4,976,691	12/01/1990	Sahota, Harvinder	
		US- 4,976,692	12/01/1990	ATAD	
		US- 4,990,139	02/01/1991	JANG	
		US- 4,995,864	02/01/1991	Bartholomew et al.	
		US- 5,002,531	03/01/1991	Bonzel	604/96
		US- 5,002,532	03/01/1991	GAISER ET AL,	604/101
		US- 5,053,023	10/1991	Martin	604/280
		US- 5,059,178	10/01/1991	YA	
		US- 5,067,960	11/01/1991	Grandjean	
		US- 5,069,680	12/01/1991	Grandjean	
		US- 5,073,094	12/01/1991	Dorman et al.	
		US- 5,089,019	02/01/1992	Grandjean	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered
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Application Number

10/613,654

Filing Date

07/03/03

First Named Inventor

KEREN, ET AL.

Art Unit

Examiner Name

Attorney Docket Number

FLO5360.01A1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
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		US- 5,599,306	02/01/1997	Klein et al.	
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				Application Number	10/613,654
				Filing Date	07/03/2003
				First Named Inventor	KEREN, et al.
				Art Unit	
				Examiner Name	
Sheet	11	of	13	Attorney Docket Number	FLO5360.01A1

NON PATENT LITERATURE DOCUMENTS						
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